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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/922,019
		Filing Date	August 2, 2001
		First Named Inventor	Jian Gu
		Group Art Unit	2631
		Examiner Name	Unknown
Total Number of Pages in This Submission	5	Attorney Docket Number	5281P006

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<div>Request for Withdrawal of Petition for Revival (Request for Refund) 2 pgs.</div>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Roger W. Blakely, Jr., Reg. No. 25,831 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	July 2, 2003

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Maria N. Sausedo		
Signature		Date	July 2, 2003



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/922,019
Filing Date August 2, 2001
First Named Inventor Jian Gu
Examiner Name Unknown
Group/Art Unit 2631
Attorney Docket No. 5281P006

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METHOD OF PAYMENT (check one)

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit
Account
Number

02-2666

Deposit
Account
Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20**			
Independent Claims	3		
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple Dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1404	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	1809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Name (Print/Type) Roger W. Blakely, Jr.

Signature

Roger W. Blakely, Jr.

Registration No.
(Attorney/Agent)

25,831

Telephone

(714) 557-3800

Date

07/02/03

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 06/02/2003.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



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OFFICE OF PETITIONS

Commissioner for Patents
M/S Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No.: 09/922,019
Docket No.: 005281.P006
REQUEST FOR WITHDRAWAL OF PETITION FOR REVIVAL
(REQUEST FOR REFUND)

Dear Sir/Madam:

On or around April 11, 2003, a Pre-OG Notice was circulated by the United States Patent and Trademark Office (USPTO). The Pre-OG Notice provided suggested guidelines for complying with the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). Since then, the USPTO has issued a revised Pre-OG Notice, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv). The revised Pre-OG Notice supercedes the Pre-OG Notice of April 11, 2003.

As stated in the revised Pre-OG Notice of June 5, 2003, if an applicant makes a non-publication request under 35 U.S.C. § 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the non-publication request before or on the date a counterpart application is filed in an eighteen-month publication country, the non-publication request will be treated as annulled, and the application will be treated as if the non-publication request had never been made. Thus, when a rescission of the non-publication request is timely filed, no notice of foreign filing is required under 35 U.S.C. § 122(b)(2)(B)(iii).

In the above-identified application, a Petition for Revival was previously filed according to guidelines set forth in the Pre-OG Notice of April 11, 2003. Based on the clarified provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), the Petition for Revival is now unnecessary because the rescission of the non-publication request for the above-identified

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July 2, 2003

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application was timely filed before or on the date a counterpart application was filed in an eighteen-month publication country.

Hence, applicant respectfully requests that the previously filed Petition for Revival for the above-identified application be withdrawn. Moreover, in accordance with 37 C.F.R. § 26, applicant respectfully requests a refund for all petition fees paid. These petition fees were paid based on a USPTO mistake. The amount of the refund is \$650.00

The undersigned attorney respectfully requests that the refund be credited to our Deposit Account No. 02-2666, with an acknowledgement of the same mailed to the attorney listed below.

If there are any questions regarding this matter, please contact the undersigned attorney immediately.

Sincerely,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP


ROGER W. BLAKELY, JR.

RWB/mns